

MISC. CIVIL APPLICATION NO.1045 OF 1993.

Date of decision: 11.12.1995.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. R.V. Desai, advocate for petitioners.

Mr. R.C.Jani, advocate for respondent.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

-----

December 11, 1995.

Oral judgment (Per Soni, J.)

Learned advocate for petitioners is absent on call.

By this application, petitioners have prayed for a direction to review the order dated 24.6.1993 passed in MCA No.1813 of 1992. It appears that the said application i.e., MCA No.1813/92 came to be rejected on 24.6.1993. It appears that the said application was against the order under the Payment of Wages Act. In our

opinion, no application for contempt is maintainable in respect of an order passed under the Payment of Wages Act as there is an alternative remedy available by way of execution under the provisions of Section 15 (5) of the Payment of Wages Act. As held by the Supreme Court in the case of the Alahar Co-operative Credit Service Society v. Sham Lal, reported in 1995 (2) GLH 550, contempt proceeding is not a substitute of execution. Hence, this application does not call for any interference by this court as no ground for review, much less, substantial, is made out in this application. Hence, this application is rejected. Rule discharged. No costs.